

If you "never have" advertised, and the "never have" boy has terrors for you, perhaps you will continue to do things in the hardest ways.

# The Courier-Journal

Probably some man has "had his eye on" your business for sometime—but he will not know that you want to sell until you advertise the fact.

VOL. CVII. NEW SERIES—NO. 14,015.

LOUISVILLE, THURSDAY MORNING, MAY 16, 1907.—10 PAGES.

PRICE [THREE CENTS] ON TRAINS FIVE CENTS.

**The Weather.**  
Forecast for Thursday and Friday:  
Kentucky—Fair, Thursday; warmer in west portion, Friday fair, warmer.  
Indiana—Partly cloudy and warmer on Thursday; probably showers in north portion, Friday fair, warmer; fresh south winds.  
Tennessee—Fair, warmer Thursday and Friday.

## THE LATEST.

Attorney General Bonaparte yesterday gave a hearing to a number of representatives of leading distilleries and rectifiers on the question of modification of his opinion submitted to the President April 10 last relative to the labeling or branding of different kinds of spirits under the new pure food act. Former Commissioner of Internal Revenue Yerkes and former Congressman Hemphill represented the interests which were opposed to portions of the Attorney General's ruling. Mr. Bonaparte said the matter was one of such great importance that he thought a test case ought to be brought in the courts for a final determination of all the questions involved.

The right of the General Council of a city to limit the bidders on a franchise to those who do not own a similar franchise, at the time of the sale, was upheld by the Court of Appeals in a decision of the case involving the sale of a lighting franchise to Lawrence Jones, in Louisville. The court holds that the Constitution intended to prevent a monopoly and that the Louisville Lighting Company could be prohibited from bidding on a lighting franchise offered for sale by the city.

Mose Felner testified during the trial of James Hargis at Lexington yesterday regarding the formation of a plot to kill Jim Cockrill and James B. Marcum, when Judge Hargis had said he wanted Marcum out of the way. The prosecution also brought out other strong evidence, corroborating the testimony of John Smith, who confessed to participation in the plot to kill James Cockrill. The evidence for the prosecution is almost completed.

The right of the city of Madisonville to buy or build an electric lighting plant, either in whole or in part, was upheld by the Court of Appeals, which says that the only limitation is the revenue received by the city, which must not be exceeded. The decision affects all the cities in the State, and construes a law which has been in doubt for some time.

Something of a sensation was created yesterday in New York by the publication of a portion of the recommendations of Attorneys Kellogg and Severance to the Interstate Commerce Commission concerning the Harriman railroad investigation. These recommendations have not yet been accepted by the commission.

The Taft-Forker fight is causing the Democrats of Ohio to take heart, and they believe they have an excellent prospect of electing Senator Forker's successor. The present Legislature is Republican by a small margin, and there are many close legislative districts in the State.

In the United States Circuit Court at St. Louis yesterday Judge Adams decided the application of H. Clay Pierce for a writ of habeas corpus and recommended the defendant to the custody of the Sheriff of Travis county, Tex., for extradition. Pierce will appeal from the decision.

Knights Templar of Kentucky held their annual encampment at Mayville and marched in review with many bands and flying colors. The attendance was large, and much business was transacted. Many receptions were given in honor of the visiting Knights.

The Council of the Empire, or upper house of the Russian Parliament, yesterday rejected the bill which was passed April 20 by the lower house abolishing trials by drumhead court-martial.

Gen. Baron Kuroki, the Japanese war hero, arrived in New York yesterday and was given an enthusiastic welcome. Last night he attended a banquet given by Japanese residents of New York.

The directors of the Standard Oil Company yesterday declared a quarterly dividend of \$9 per share. This compares with a dividend of \$15 declared three months ago.

A plot to kill Emperor Nicholas has been revealed by the arrest and subsequent confession of a soldier of the guard regiment at Tarskoe Selo.

It is said that fully 85,000 cotton mill operatives in New England will receive a 10 per cent. advance in wages beginning May 27.

Three witnesses who testified in the Brownsville affair before the Senate Committee in Washington yesterday connected the negro soldiers with the shooting.

The Farmers' Union of Georgia has gone on record in opposition to the immigration movement in the South.

The death is announced in Liverpool of A. P. Moorehouse, general manager of the Cunard Steamship Company.

The next General Conference of the M. E. Church, South, will be held in Asheville, N. C., in 1910.

## BEGAN WITH HIGH IDEALS

**Temptation To Graft Was Too Much For Reuf.**

**He Pleads Guilty, But Promises To Reform.**

**Tears Roll Down His Cheeks As He Talks In Court.**

**SAYS STRAIN IS TOO GREAT.**

San Francisco, May 15.—Abraham Reuf, nervous and pallid, to-day in Judge Dunne's court pleaded guilty to the crime of extortion, the felony for which he was to have been tried by the jury already selected. In pleading guilty, he made an impressive address to the Judge, stating that he had commenced his career in politics with high ideals for himself and for the city, but that conditions had broken him down and he desired only an opportunity to make reparation and restore his character before the world.

As he concluded his address he fell back into his chair almost fainting, and the tears flowed down his cheeks.

His health, he said, could not endure the strain of the trial which he was facing, and the torture was beyond the endurance of those who were nearest and dearest to him.

Attorneys Withdraw.  
Before Reuf arose, his attorneys, Henry Ach, Samuel Shortridge and Frank Murphy, one by one arose and stated that owing to a grave difference of opinion with their client, each of them must withdraw from the case.

Reuf in his address spoke with emotion of the fidelity of his counsel.

Judge Dunne at the termination of Reuf's address made no comment except to continue the case two weeks for sentence.

At 11:50 o'clock Reuf and his attorneys, who had been in consultation, returned to the court room. Henry Ach led the way. He was followed by Reuf, who looked pale, weak and self-conscious, as though he was laboring under some terrible mental strain.

Ach was the first to speak. He said there had been a disagreement between himself and client, and that he would be forced to withdraw from the case. Reuf expressed himself as agreeable to this. Ach thereupon left the court room, and Samuel Shortridge arose.

Reuf rose, trembling under a great emotional strain. He spoke with great difficulty. By this time, the court room was crowded, and most of the spectators were standing. Reuf first acknowledged the work done by his various attorneys, thanking them for their friendship, counsel and guidance.

Then, he continued:

"This trial has become a threatening danger to my health, both mental and physical. I am unable to bear the strain any longer. The strain on those nearest and dearest to me is undermining them. They are on the verge of collapse. Their lives hang in the balance and I must take some action."

Reuf, who evidently was laboring under great emotion, after pausing a moment, continued:

"I have occupied a prominent position in this city. I hope to remain here, and this will be the place of my eternal sleep. Heretofore I have borne an honored name in my professional life. There has been no stain on my honor and until the present Board of Supervisors was elected there was no act of mine that could be justly censured. Nevertheless, owing to the assaults of the press, I have been placed in a wrong light and have been burdened with a bad name."

**His Future Career.**  
"I will do all that still lies in my power to help overthrow the system which has made possible the terrible corruption of public officials. To do this I will work even as the humblest citizen. My future career will be one of integrity. I hope that I can still accomplish some good."

my faults and mistakes to restore myself in public favor.

"Duty calls me wherever the path may lead, but I want the whole world to know that I am not guilty of the charge made against me in this instance. Nevertheless, on account of the reasons stated, I withdrew my plea of not guilty and entered a plea of guilty."

**Trembled Like a Leaf.**

As Reuf resumed his seat he was trembling like a leaf, his face the color of parchment. Tears coursed down his cheeks. A crowd gathered about him, but the bailiff brushed them away. Reuf sat alone save for the protection of the bailiff and the effer. His attorneys were all gone—forced away by his decision to tell all and throw himself upon the court's mercy.

Judge Dunne made an order setting the case over two weeks for sentence. Then Reuf arose, and wearily, still pale and trembling, went out of the court room with Detective Burns. The two walked to the corner of Sacramento and Webster streets, where they entered an automobile and drove to the house on Fillmore street, which is Reuf's prison.

While in consultation with his attorneys during the recess just before noon, Reuf fainted. His condition was regarded as serious, but he soon revived. He was trembling and pale, however. His attorneys grouped about him in a vain effort to cheer him up.

## ROOSEVELT BUTTED IN, DECLARED MR. DARROW

**PRESIDENT'S NAME FIGURES IN SHARP DISCUSSION**

**BETWEEN LAWYERS EMPLOYED IN HAYWOOD CASE.**

**PREJUDICE AGAINST ORCHARD.**

Boise, Idaho, May 15.—The unexpected appearance of a vein of prejudice against Harry Orchard and his testimony during the further examination of the case led to-day to the first sharp wrangle between counsel and involved in an acrimonious discussion. The incident began with Samuel Wingate, the eleventh witness, in the hands of the defense for examination in chief.

Questioning had proceeded a short time when it developed that Mr. Wingate was biased against Orchard and unwilling to accept the testimony which it is expected he will give against the prisoner. The defense naturally tried at once to show that Wingate's state of mind on the subject was not such as would warrant his removal from the box, but when the witness was recalled to the stand, the State, Senator Borah quickly drew from him the flat-rooted statement that he could not under any circumstances give credence to Orchard's testimony.

Wingate was upon this accused, the defense excepting to the court's ruling, and from thereforward the State was particular to test all witnesses on the point.

When Senator Borah asked W. H. McGuffin if he had any prejudice against Harry Orchard, Mr. Darrow, of counsel for the defense, was on his feet with an objection. He declared it was not right to inquire into the effect of the testimony of anyone witness, said to-night that from talker he had to-day with the directors of the association, he feels warranted in announcing that the directors will vote for Louisville as the next meeting place when they meet at their office in Chicago in December.

Likely get a day or two of the convention. Louisville will get about three days, and there will also be a trip to Mammoth Cave.

**Patents To Kentuckians.**  
Patents have been issued to residents of Kentucky as follows: John Brennan, Louisville, dumping wagon; John J. Connel, Lexington, implement holder; Stephen W. Frankfort, portable battery lamp; Gardner L. Gray, Paducah, composition for removing spots from chinaware; W. H. Hunt, Coltonville, wagon body.

## PLOT TO KILL CZAR

**REVEALED BY ARREST OF A RUSSIAN SOLDIER.**

St. Petersburg, May 15.—A terrorist conspiracy directed against the life of Emperor Nicholas, the existence of which has been suspected for some time past, has been revealed by the arrest at Tarskoe Selo of a soldier of the guard regiment, who to-day confessed to the acceptance of a large money bribe to assist in the murder of his majesty.

According to the details of the plot, the existence of which has been confirmed by one of the highest officials of the court, suspicion was directed to the soldier by the fact that he was seen to have in his possession considerable sums of money. The man was at once placed under observation.

When he noticed that he was being shadowed he became panic-stricken and sought the authorities. He then broke down and voluntarily made his confession, after which he begged for protection.

All the threads of this conspiracy, which is radically different from former attempts of this nature, are not yet in the hands of the secret service men. A few underlings have been apprehended, but the real instigators of the crime and the men who furnished the blood money have not yet been identified.

## NO CHANGE IN LABEL RULING

**Attorney General Bonaparte Takes Firm Stand.**

**Will Facilitate Test of Matter In the Courts.**

**Enforcement of Law To Proceed In Meantime.**

**YEAR TO GET FINAL DECISION.**

Washington, May 15.—[Special.]—At the conclusion of the hearing of representatives of the distilling and rectifying interests this morning, Attorney General Bonaparte announced that the Government would lend every facility to those interested, in a test case, and he advised that such a case be commenced in the courts at the earliest practicable moment.

For that reason he would allow the two sides but one week for the filing of briefs on his recent opinion. He added that there were administrative reasons why the law should be enforced at an early date and he considered it doubtful whether he would allow any further hearing; he would certainly not do so until he had consulted with the Secretary of Agriculture, to whom falls the administration of the law. Everything said by the Attorney General showed he had no purpose of changing his decision and he added that the hearing of to-day was not particularly useful.

**To Begin Enforcement Soon.**

There is general opinion that the decision will stand; that the actual enforcement of that branch of the food and drugs act, as interpreted by the Attorney General, will be commenced within a few weeks, and that the enforcement will continue until the courts hold otherwise. With every facility offered by the Government such a case could not get through the United States Supreme Court, where it is understood it will be taken finally, before at least a year hence that length of time under the new law's operation seems inevitable.

The argument made by the attorneys today followed the beaten path made at the hearings here, in Louisville and other cities of the country. Messrs. Yerkes and Hemphill, attorneys of this city, made the principal argument for those who desire a modification of the ruling, while Edmund W. Taylor, of Frankfort, was given a few minutes to reply, the Attorney General stating that as Mr. Taylor was for the ruling, there was no reason why he should listen to an argument which simply indorsed his own written opinion.

**Revolution In Terms.**

The main contention of the attorneys favoring a change in the ruling was the allegation that the division of whiskies into four classes, as designated by the Attorney General, means a revolution of terms heretofore in use by the trade. It was declared that the definition of the term "blend" by the Attorney General, as meaning a mixture of pure, straight whiskies, was not what was contemplated by Congress. The term "blend," the attorneys held, means that class of whisky which 90 per cent. of the public has been consuming for years. They argue that ought to keep its name rather than be marked "compound," a word which would clearly not suit the public palate. It was stated that the term "blend" was not accepted as a mixture of two straight whiskies, and that it could be so used was characterized by the attorneys for the modification as a "club in the hands of our competitors for beating us over the head."

They declared that they were entitled to the word "blend," and under the decision they would be deprived of it. It was never, they said, in the mind of Congress to take from them the use of this word. Mr. Hemphill stated that instead of the term "compound" the substitution of the term "blended alcoholic beverages" would be satisfactory.

Mr. Taylor, who briefly replied, followed closely the Attorney General's decision and the authorities from which it was made up.

**Merely As Illustrations.**

The Attorney General, during the course of the argument, took occasion to say that the specimen labels mentioned by him, such as "Semper Idem Whisky," "E Pluribus Unum Whisky," "Modern Improved Whisky" and "Something Better Than Whisky," were simply offered by way of suggestion, and he did not suppose anyone seriously thought that such titles would be used on labels.

"I found myself in hot water over this, right after I made the decision," said the Attorney General. "A gentleman wrote to both the President and myself, saying that he thought it extremely bad taste for the motto of the United States to be used on a whisky bottle. I wrote explaining to him and he replied that he hoped I was sorry. This brought the correspondence to a close, but I have received letters along the same lines from many others."

**Davis For Judge Gray.**

Former Senator Davis, of West Virginia, the Democratic Vice President nominee in 1904, said to-day that in his opinion, it was a little too early to select the Democratic standard-bearer for the next campaign, inasmuch as the national convention will not meet for over a year.

"However," said Senator Davis, "as I see it at this time, Judge George Gray, of Delaware, is the best man the Democrats can nominate. While he is conservative, he is progressive and stands for the things the people desire done. I understand that a great convention of miners is shortly to be held at Pottsville, Pa., for the purpose of booming Judge Gray for the nomination."

Sensor Davis' opinion of the availability of Judge Gray is that which has been expressed by Senator Morgan, of Alabama, ever since the defeat of Parker. The Alabama Senator, with many others, is a strong advocate of Judge Gray's nomination, and believes that he can make a winning race. On the other hand, such men as former Senator Jones, of Arkansas, and other close friends of Mr. Bryan, while admirers of Judge Gray, do not conceal the fact that they believe Gray could make no better race than did Judge Parker, and are therefore opposed to his nomination.

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**Negroes Against Taft.**

Ohio Republican politicians were interested to-day in dispatches from Ohio telling of the meeting of negroes in Columbus and the passing of resolutions in favor of Foraker and against Taft. They thought that after the appointment by the President of the negro, Ralph Tyler, as Auditor of the negro Department, an open manifestation of disloyalty to the Administration on the part of negroes could be avoided. The meeting held in Columbus to-day effected a permanent organization and will work actively for Foraker. It was called by H. C. Smith, of the Cleveland Gazette, and the objects of the meeting are laid down as follows:

First.—To insist upon being consulted by the leaders of the Republican party before the endorsement of any Republican candidate for the Presidential nomination.

Second.—To express our most emphatic opposition to the endorsement of Secretary Taft for any position within the gift of the people, because of Taft's endorsement of disfranchisement in the South and his unreasonable efforts to fasten the colored man's crime upon the black battalion and through them, upon the white man.

Third.—To insist upon an endorsement of Senator Foraker for any position he may seek. Members of the conference are designated as follows: J. B. McFarland, of the Cleveland Gazette, and the objects of the meeting are laid down as follows:

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**Britons Like Tobacco.**

Depressing climatic conditions calling for a soothing influence, and the total lack of any crusade against its use, explain the fact that the increase in the consumption of tobacco in the British Isles, according to Consul Dan Williams, at Cardiff, is the most noticeable feature of the present. It is almost universal among the males over sixteen. It is used frequently by ladies as young as eight, and dealers report a growing cigarette trade among women.

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**Thinks Louisville Wins.**

Louis Seelbach, who is here attending the National Hotel Men's Association, said to-night that from talker he had to-day with the directors of the association, he feels warranted in announcing that the directors will vote for Louisville as the next meeting place when they meet at their office in Chicago in December.

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**Plot To Kill Czar**

**REVEALED BY ARREST OF A RUSSIAN SOLDIER.**

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When he noticed that he was being shadowed he became panic-stricken and sought the authorities. He then broke down and voluntarily made his confession, after which he begged for protection.

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## PLOT TO KILL JIM COCKRILL

**Described In Detail By Moses Felner.**

**Says Hargis Wanted Marcum Out of Way First.**

**Another Conspirator Confesses His Part.**

**OFFERED MONEY TO LEAVE.**

Lexington, Ky., May 15.—[Special.]—Mose Felner was the chief witness for the prosecution to-day in the trial of James Hargis for the murder of James Cockrill in Jackson in July, 1902. Felner testified that he was in Jackson in June, 1902, to answer to the charge of killing Jesse Stevens, of which he was afterwards acquitted. John Abner, who is now under indictment for the murder of Cockrill, took him to the latter's store when, at different times, he had a number of conferences with Judge Hargis, Ed Callahan and Alex Hargis, at which Abner and Smith were present, regarding the "removal" of some of the men marked for death by the Hargises.

He said that at one of these interviews Alex Hargis suggested that it would be best to kill Cockrill before Marcum, as Marcum was a prominent man and his death might stir up the people. Judge Hargis, however, peremptorily vetoed the proposition and said, "damn such work as that. I want to see Jim Marcum out of my way."

**To Kill Cockrill.**

At a later meeting Alex Hargis suggested that Felner, Abner and Smith raise a row with Cockrill in a card game and kill him in the fight which would ensue. Felner said he never intended doing a murdering for the Hargises and he pretended to enter these plots for the purpose of securing the influence of the Hargises in the charge against him for killing Stevens, as he believed that this influence was at that time sufficiently powerful to have him either acquitted or convicted.

Another motive was that he wished to save Marcum, who was his attorney, from being assassinated. As he was held closely to testimony relating to the Cockrill case Felner was not permitted to tell his dramatic story of his warnings to Marcum, which he had told when the Marcum murder cases were on trial. Felner said that he went to Indian Territory after Cockrill, Cox and Marcum had been murdered and returned to his home in Leslie county in 1904.

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**Try To Get Him Away.**

He met Judge Hargis and Ed Callahan at Felix Felner's after his return, and Judge Hargis told him that he had arranged with Felix Felner that Mose was not to testify against him, and Judge Hargis was to put up \$1,500 as security that he would have Mose acting.

Mose Felner said he afterward saw Judge Hargis at the latter's home in Jackson, and that Hargis and B. F. French offered to put up \$5,000 to pay his bond if he would leave the country and not testify in any of the cases relating to the Jackson murders. He said that Judge Hargis offered to put up \$1,000 in Felix Felner's hands for him. This check was afterward given to him by Felix Felner, but was not presented for payment by him, but was filed with Felner's deposition at Winchester.

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**Must Kill Cockrill.**

Jeff Smith, who had been a Deputy Sheriff under Ed Callahan, testified that Judge Hargis had said to him: "Jeff, Jim Cockrill must be killed, for if he isn't he will kill Ed Callahan or me, or both of us."

W. B. Bach, Circuit Clerk in Breathitt county, showed from his books that James, Alex and Elbert Hargis had gone on the bonds for \$10,000 each of John Abner and John Smith for the murder of Cockrill, but had withdrawn from Smith's bond when Smith made his confession implicating the Hargises and Callahan in the murder. It was also proven by the records of the Breathitt County Clerk's office that Curt Jeff, William Britton and Jesse Spicer, all of whom have since been indicted for the Jackson murders, were by order of Judge Hargis appointed Deputy Sheriffs in 1902, the year Cockrill was murdered.

The records also show that Judge Hargis had, shortly before Cockrill was murdered, disqualified Cockrill from the office of town marshal on the ground that his bond was insufficient, although he offered J. B. Marcum and other bondsmen.

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**Dead Man's Testimony.**

After considerable objection from the defense the prosecution finally elicited an admission from the defense that Henry Freeman, who recently died from thirteen bullet wounds received at Lee City, was dead, and read his testimony at the last trial from the stenographer's report. The prosecution

succeeded in bringing out what they attempted before to show that after it became evident that the Hargises and Callahan would be indicted at Lexington, Freeman had sworn out a warrant for the Hargises' arrest for the Cockrill murder, with the conviction, the prosecution claims, of the Hargises, so they would not be taken from Jackson for trial.

At the conclusion of the testimony to-day Commonwealth's Attorney Allen announced that the prosecution had only two more witnesses, Bob Deaton and Henry Strong, to present, with the addition of some documentary evidence. This means that the prosecution will complete its testimony to-morrow.

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**Hargises As Bondsmen.**

When the court opened this morning W. B. Bach, who has been Circuit Clerk in Breathitt county for the past three years, was the first witness called. With the bail bond book before him he testified that James Hargis and Ed Callahan had gone on the bond of \$10,000 in one case and \$500 in another. James A. H. and Elbert Hargis and Ed Callahan (Concluded on 3d page, 1st Column.)

## DEMOCRATS SEE FIGHTING CHANCE

**HAVE HOPES OF ELECTING A TRICENTS IN STATE.**

**MANY CLOSE LEGISLATIVE DISTRICTS IN OHIO.**

**REPUBLICAN LEAD IS SMALL.**

Cleveland, O., May 15.—The resounding of the call for the Republican lead at Columbus, and the consequent failure of the Taft and Foraker factions to get together, has greatly encouraged Democratic leaders throughout the State. They are of the opinion that they now have an excellent chance of electing Senator Foraker's successor if the Republican fight is not healed by the time the next Legislature is elected. No leader has made the Republicans are already beaten. The Democrats simply assert that they have a strong fighting chance, and cite the figures of the existing legislative make-up as proof.

The present Ohio House consists of sixty-two Republicans, fifty-seven Democrats and two Independents. The Senate comprises eighteen Republicans, eighteen Democrats and one Independent, who is classed as a Democrat. This gives the Republicans, on joint ballot, eighty votes against seventy-eight for the Democrats and Independents.

The present Legislature will not choose the next Senator. He will be elected by the men chosen at the next election, and there are so many districts throughout the State represented in the Legislature by Republicans in which the vote is exceedingly close that it may safely be said, using the result of the last legislative election as a guide, that the Democrats have at least as fair a prospect of overcoming the present Republican lead on joint ballot as the Republicans have of increasing it.

Five of the present Republican Representatives were elected by pluralities of less than 100. One of them had a margin of three votes only; one was elected by four votes and one by twelve votes. The men elected by a plurality of three votes for himself, and he has three sons who voted for their father. His plurality was therefore one less than the voting strength of his own family. Three Democrats had pluralities of less than 100, the smallest being seventeen. In the Senate the Republicans have one member who was chosen by a plurality of fifty, while the smallest plurality for any Democratic Senator was 32.

The Democratic leaders declare that any election giving a plurality of 100 or less to the successful candidate is anybody's fight when the next election comes around, and they claim that the present Republicans have a chance of beating five Republicans for the House and one for the Senate, for the Republicans have only an equal chance at three of their men.

The possibility of a Democratic Legislature after the next election is admitted by the Republicans, but they express themselves as confident of electing Senator Foraker's successor.

## STREET CAR MEN WILL STRIKE AT EVANSVILLE.

**Cars Run To Midnight and Non-union Men Will Go To Work To-day.**

Evansville, Ind., May 15.—[Special.]—At a late hour to-night the newly formed street car men's union decided to walk out on a strike in the morning, as the company refused the advance in wages asked for a few days ago. All the cars ran up to midnight to-night. It is understood the company will put nonunion men on the cars in the morning and try to run them. Fifty strikers are on strike-breakers are in the city.

All but a few of the old employees have joined the union.

## HEADS OF COLLEGES MEET IN CONFERENCE.

**Discussed the Care of Presbyterian General Assembly, Two Educational Conferences Were Held To-day.**

Columbus, O., May 15.—Preliminary to the meeting of the Presbyterian General Assembly, two educational conferences were held to-day. The most important of these was the meeting of the college heads, which was attended by about forty presidents or other representatives of educational institutions. The meeting was held at the University of the South, where the Rev. J. D. Moffatt, D. D., president of the Washington and Jefferson University, was chairman of the meeting, and President A. C. Acherson, of Caldwell College, Danville, Ky., was secretary.

The second educational conference discussed the care of Presbyterian students in State universities. The Rev. W. S. Bryan, of Chicago, presided at this conference, and the Rev. D. W. Wylie, of Iowa City, Neb., was secretary.

## COMPETITION IN LIGHTING

**Assured For All Cities In Kentucky.**









## For Exhaustion

When the system has been weakened and the vitality lowered by illness or overwork,

ANHEUSER-BUSCH'S

**Malt-Nutrine**

will supply the elements required to build up and restore the vital forces. It is the ideal Tonic and Predigested Food in liquid form.

Sold by All Druggists and Grocers in cases of 1 Doz. Large or 2 Doz. Split Bottles

Anheuser-Busch—St. Louis, Mo.

Brewers of the Famous Budweiser Beer

## THE CHICKERING

A Piano that has been on the market for 83 years.

## Montenegro-Riehm

Music Co., (Incorporated)

628-630 Fourth Ave.

A Postal Department A secures a catalogue.

## PLOT TO KILL

JIM COCKRILL

(Continued From First Page.)

were among the signers of the bond of John Abner, charged with the murder of James Cockrill, for \$10,000, and the same persons had also signed the bond for John Smith, for the same amount, and charged with the same offense. Since Smith's confession, however, these bondsmen had surrendered him to the court and withdrawn from Smith's bond. The witness was also about to tell that Smith had since been released by Magistrate H. L. Davis, of Jackson, on a writ of habeas corpus. The court, however, stopped the witness, and as the release of Smith was not in his personal knowledge a subpoena was issued for Magistrate Davis, who had released Smith.

Elissa T. Noble, Deputy Clerk of the Breunin County Court, was the next witness. He had with him the order book of the court and read orders by Judge Hargis appointing Curt Jett, Deputy Sheriff May 25, 1932; William Britton Deputy Sheriff September 17, 1932; and Jesse Spicer Deputy Sheriff March 24, 1932. All of these appointments were made on motion of Ed Callahan. He also read the record of James Cockrill qualifying as Town Marshal of Jackson. On June 2 Judge Hargis ordered that James Cockrill should show cause why he should not be removed from office. The witness said that James Cockrill had offered several bondsmen, including James B. Marcum, but that Judge Hargis said the bondsmen were not sufficient. On cross-examination the witness stated that Jett was dismissed as Deputy Sheriff the day he had the difficulty with Cockrill.

Want Dead Man's Testimony.

The Commonwealth asked permission to introduce the stenographic notes of the testimony of Henry Freeman, who is now dead, according to common re-

port. Freeman testified in the previous trial of this case, but was since shot and killed in a blind fight at Lee City. E. L. Noble stated that according to general report in Jackson Freeman had been killed in Lee City, and H. L. Davis also stated that Freeman had died from thirteen wounds from shots received at Lee City. The defense, however, made objection and Freeman's testimony was laid aside for further proof of his death.

H. L. Davis testified that he was Deputy Sheriff when the court was hearing the motion of Tom Cockrill for bond, on the charge of killing Ben Hargis, and that Hiram Hays started to raise a row, but was suppressed by Hargis. He saw Anne White in the court room at the time. This testimony of the story of Anne White, who had testified that the plot was outlined to him by Judge Hargis was that Hays should start a row in which the Cockrills, Dr. Cox, Marcum and others were to be killed.

Feltner On Stand.

Mose Feltner was the next witness. He stated that he now lives in Hamilton, O., but lived in Breathitt county in 1890 and 1900; was in Perry county, July 21, 1902, the day that Hargis was killed; in May and June, 1902, the witness said he was in Jackson to answer to the charge of killing James Stevens, which charge he was acquitted. While there he had several conversations with James Hargis at his store, Ed Callahan, John Smith, John Abner and Tom White were present at most of these interviews. He first went to the Hargis store in that day, then to the store of John Abner. That night he again went to the store for a conference at which Judge Hargis, Ed Callahan, John Smith and John Abner were present. The witness did not think the killing of James Stevens was discussed at that meeting, but it was at later meetings in one of which Alex Hargis said he thought it would be better to kill James Cockrill first and then kill James Stevens. Hargis was a prominent man and his murder might cause an uprising of the people, but if Cockrill was killed Marcum would become frightened and go away.

Wanted Marcum Out of Way.

Judge Hargis, however, hotly dissented from this plan and exclaimed "Damn such work as that. I want to see Jim Marcum out of my way." At a later meeting Alex Hargis suggested that Feltner, Abner and Smith should go to the Arlington Hotel and get up a game of cards in which Cockrill should be a player. Feltner was to say he had won enough or was tired of losing, as his run of luck should shoot off his pistol and raise a "rough house," and in the melee they could kill Cockrill. Feltner answered that he would see the other boys, meaning Smith and Abner, about it, but the witness said that secretly he had no intention of carrying out the plan suggested. He said that he attended these meetings to secure the influence of the Hargises in having him acquitted on the charge of killing Stevens, as he believed that they had great influence and could either get him free or have him convicted. He said that another motive he had in attending the conferences was that Marcum was his attorney, and he desired to save him if possible, and thought that the best way to do this was to pretend to enter into the plot.

On the completion of Smith's testimony Col. Allen stated that there were only two more witnesses the Commonwealth wished to examine. They were Bob Deaton and Henry Strong, and Col. Allen stated they would arrive from Jackson on the evening train. He also wished to place some documents from the Winchester Bank before the

home of Felix Feltner. The witness had been in Indian Territory in the interval. Judge Hargis told him that he had made arrangements with Felix Feltner that Mose was not to testify against him, and that Mose would have Mose acquitted. Judge Hargis said he would put up \$1,000 as security, and the witness would have Mose acquitted on condition that Mose should agree to swear at the trials that Judge Hargis had nothing to do with the killing of Cockrill or Abner. He said this conversation took place in the cow shed, Ed Callahan being present part of the time. A similar conversation took place in the parlor of Felix Feltner's house. In one of these conversations Judge Hargis said it was reported that the witness had made an affidavit at Jackson, but that he could prove that it had never been sworn to. Some time after the witness went to Jackson where he was arrested and taken before Judge Hargis, but was turned loose, as he had already executed bond.

Witness afterward stayed two days and nights at Judge Hargis' home. Selden Hargis was there and B. F. French came after he arrived. Judge Hargis and French said they would put up \$5,000 to pay his bond if he would leave the country and not testify in any of the Hargis cases. This was on January 22, 1905. Felix Feltner was to give him \$1,000, and the witness was to leave the country. The check which the witness said he received was exhibited and identified by him. The check was made payable to the witness, and the witness said that Felix Feltner had taken \$100 out of it. The check was made payable to the witness, and the witness said that Felix Feltner had taken \$100 out of it. The check was made payable to the witness, and the witness said that Felix Feltner had taken \$100 out of it.

Magistrate Edward O'Connor spent yesterday afternoon at Churchill Downs looking after for "outs" and hangers-on of the races who, the Magistrate says, might have better employment. His session was successful in that he found that there were very few of the alleged suspicious characters about. After returning Magistrate O'Connor said that he would not send Cockrill and Armstrong to keep order and clear the Downs of undesirable guests.

The visit of Magistrate O'Connor to Churchill Downs was for the purpose of satisfying his own mind as to whether or not the police and detectives were keeping the place rid of "outs" and other undesirable persons. William George Wilson, alias George Abbott, who was arrested at the Downs on a robbery charge, was taken before the grand jury and indicted before his case, which was set for trial at the Criminal Court. This action was not done for the purpose of clearing the Downs of undesirable guests.

Wilson was arrested by Detectives Harding and Armstrong on the charge of attempted robbery at the Downs. Wilson said that he was a resident of Louisville, and that he was not a resident of Louisville. Wilson said that he was a resident of Louisville, and that he was not a resident of Louisville. Wilson said that he was a resident of Louisville, and that he was not a resident of Louisville.

Killed Jesse Fields.

Feltner was cross-examined by Attorney Farrell for the defense. He said he was born in Leslie county, and would soon be thirty-five years old. He first left Kentucky in 1890, and went to Texas, but stayed there only a few days, when he returned to Breathitt. He stayed in Breathitt one year, when he was arrested for the murder of Jesse Fields. He said he served three years on charge of hitting United States Marshal Byrd with a rock, although he was never convicted. He said he was in a session of the grand jury in 1900, returning to Leslie county until the Hargis case. He said he was in the grand jury in 1900, returning to Leslie county until the Hargis case. He said he was in the grand jury in 1900, returning to Leslie county until the Hargis case.

Col. Allen then asked the witness if he had a gang known as the "Moose Jaw" Hawks. He was asked by the defense concerning a number of indictments which were alleged to have been brought against him, but denied that he had been guilty in any of them. Col. Allen then asked the witness if he had a gang known as the "Moose Jaw" Hawks. He was asked by the defense concerning a number of indictments which were alleged to have been brought against him, but denied that he had been guilty in any of them.

Hargis' Check.

The statement of J. F. Head, cashier of the Jackson Bank, was read. Head was not present in court and the defense permitted the statement to be read. The testimony related mainly to the \$1,000 check which Judge Hargis was to pay Mose Feltner. After this was read a wrangle ensued between the counsel as to whether the testimony of Henry Freeman, who is now dead, could be placed before the jury. Judge Parker decided that it could, and the court stenographer swore that it was an official court record. Freeman's testimony in chief was immaterial, being mainly a statement that he was in Jackson and heard the shots fired which killed Cockrill.

Jett Smith was the next witness called. He stated he was a resident of Breathitt and was formerly a deputy sheriff under Ed Callahan. He said Judge Hargis once said to him: "Jeff, Jim Cockrill must be killed, for if he is not he will kill Ed Callahan or me or both of us." Smith declared he refused to have anything to do with it. He was then subjected to a fierce cross-examination and stated that other persons were present during the conferences with Hargis, but he did not remember their names. Upon the completion of Smith's testimony Col. Allen stated that there were only two more witnesses the Commonwealth wished to examine. They were Bob Deaton and Henry Strong, and Col. Allen stated they would arrive from Jackson on the evening train. He also wished to place some documents from the Winchester Bank before the

consideration of the jury, and then he declared the case of the Commonwealth would be completed. Court then adjourned until to-morrow morning.

DOWN'S WELL POLICED.

SO DECIDES MAGISTRATE O'CONNOR AFTER INSPECTION.

Displaced Because Cash In His Court Was Taken Over His Head To Grand Jury.

Magistrate Edward O'Connor spent yesterday afternoon at Churchill Downs looking after for "outs" and hangers-on of the races who, the Magistrate says, might have better employment. His session was successful in that he found that there were very few of the alleged suspicious characters about. After returning Magistrate O'Connor said that he would not send Cockrill and Armstrong to keep order and clear the Downs of undesirable guests.

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## ACQUITTAL IN NINE MINUTES

Mrs. Barbara Boss, Charged With Murder, Freed.

Defense Denies Any Purpose To Cause Death.

Many Extenuating Circumstances Shown.

VERDICT NOT UNEXPECTED.

Mrs. Barbara Boss, charged with causing the death of her husband by dashing gasoline over him and lighting his saturated clothing with a match, was tried in the Criminal Court yesterday and acquitted. It was following a deliberation of only nine minutes that the jury reached this verdict, though it hardly came as a surprise, because the Commonwealth had already indicated its intention of abandoning the fight by refusal to make argument and in submitting the case after the defense had completed its testimony.

Though a good deal of damaging testimony was brought out by the prosecution, a number of extenuating circumstances were also produced, which went a long way toward creating sympathy for the aged and accused woman. Mrs. Boss is sixty-four years old, and a mother of six grown children, three of whom stood by her, while the feelings of two of the remaining three appeared to actuate them more in favor of a punishment of their father's alleged slayer than in the acquittal of their mother. Two daughters appeared as witnesses for the Commonwealth, while Dr. Edward Boss, a son, took no active part in the trial on either side.

For a number of years Mrs. Boss and her husband had not been able to live peaceably together. She had twice sued him for divorce and charged him with repeated cruelty of the most vicious nature. Her defense, however, was not in justification of the act with which she was accused, but a denial that it had been done with malicious intent.

Fatal Result An Accident.

She contended that it was an accident which had never been contemplated or intended. She maintained that her husband attacked her and that she threw the glass of gasoline upon him, without a thought of setting it afire, and that a moment later, when she had struck a match in an adjoining room to see her way, and he rushed in upon her, it became ignited.

The Commonwealth's evidence went to show that she had not only deliberately planned to have done it, but expressed satisfaction over having "fixed" him.

The trouble occurred on February 9 at the Boss home, in Jeffersonville, and Mr. Boss died three days later. Aaron Kohn and Joseph Conklin conducted the defense.

The following jury was selected to try the case: Joseph Runwald, Samuel Lee, John Maddox, George Weather, George B. Nash, George O'Malley, Jake Adams, J. S. Byon, L. G. Fenster, Vance, A. H. Clark and Frank Stroely.

Burns Cause of Death.

Dr. Harris Kelly, the coroner, the first witness to testify, said he died of burns about the head and neck, and as a result of inhaling the flames from the gasoline. Town Marshal George C. Shadburn stated that on the evening of the trouble upon the 6 o'clock car, and that soon after he saw Mrs. Boss being taken to the hospital.

The patrolmen went to the house with Mrs. Boss and stayed there for some time after her husband's return in order to avert any trouble. In the course of their conversation, Shadburn said, he accused his wife of having been drunk when he was in his coffee, while she made counter charges of plans to kill her.

Mrs. Boss then lay upon a sofa, and, witness said, complained of feeling very ill, and asked to have a doctor called. According to Shadburn, Mrs. Boss seemed to want the officers to leave, but that Boss himself wished them to stay. At length, after matters had apparently quieted down, both officers took their departure, but they had only gone a short distance from the house when they heard cries of "murder" and rushed back, saw Boss run from the door a mass of flames around his head.

Would Like To "Finish Him."

The witness, Shadburn, stated further that, after they had arrested Mrs. Boss, she asked to be allowed to go into the room where her husband had been placed and was being treated for his burns. She said that she wanted to get at him and finish him while he was lying on the bed, suffering from his burns.

An effort was made by the defense to introduce testimony relative to the Ritchie woman, which was ruled out by the court, however. The defense maintained that after her return, after February 6, the Ritchie woman appeared demanding to know what she was doing there, and that her husband took sides against her. She said that the Ritchie woman asked her husband in her presence if he had told her that all of their children were illegitimate. Mrs. Boss said that her husband replied that this was a fact, and that

that, while on the way to town, or the car with Mrs. Boss, she told him that her husband had gotten what he deserved, and she wished she could have given him more. He also said that Mrs. Boss told him that she had placed the tumbler of gasoline on the stove with the intention of throwing it on her husband if he attacked her. Mrs. Mollie Nutter, who lives on the second floor of the house occupied by the Bosses, testified that before the crisis of "fire" from below, she heard a great running about and knocking over of chairs, as if there was some sort of struggle in progress. She heard no conversation leading up to the trouble and no threats from either side. J. O. Nutter, her husband, corroborated her.

Daughter Against Mother.

Mrs. Lillie Hummel, a daughter of Mrs. Boss, was the next witness for the prosecution. She said that for several days prior to the burning of her father her mother had threatened him repeatedly to her. "She begged me time and time again," she said the witness, "for my pistol so she could blow his brains out. Over and over again from Wednesday to Friday—"she begged me to let her have the pistol. I refused, however, and told her for the sake of her children, if for nothing else, she should not talk that way." She developed on cross-examination that all of these threats said to have been made in the defendant to her daughter were in conversations over the telephone. Witness denied that she had ever heard her father threaten to kill her mother, but admitted that he had, on one occasion, some months ago, threatened to choke her, because she had had him arrested and put in jail as a result of some of his alleged misconduct toward her.

"When did you fall out with your mother?" asked Mr. Kohn, on cross-examination.

"I have never fallen out with my mother," responded the witness, between sobs, "and if she would come to me now and ask forgiveness, I would give it to her." Mrs. Boss made no attempt to deny the charges, but said that she was suspended for ten minutes while she was being treated for her trouble.

Mr. Littner, who had walked from the station to the house with Mrs. Boss, corroborated her statement. Mrs. Henry Von Roden, her daughter, stated that she had been treating her father in a kind and affectionate manner, but that he, while intoxicated, frequently threatened to cut her heart out and do her other violence.

Charles E. Boss, a son, said that his father frequently threatened his mother, and that he had seen her drive from home often, and had given her refuge in his own house more than once.

Frank Boss, another son, testified to the same thing.

Defendant On Stand.

Mrs. Boss was the first witness introduced for the defense. She had just signed an agreement to drop a divorce suit which had been pending against her husband, and had been separated from him from September 3, 1936, to February 5, 1937. She had been making her home with her husband only since February 6, under the terms of that agreement. The agreement, which was introduced in evidence, provided that she should drop her suit and should bring no further suits for alimony or divorce from her husband, in the event he should thereafter come to himself properly and soberly, and that she should conduct herself properly.

The agreement, which was introduced in evidence, provided that she should drop her suit and should bring no further suits for alimony or divorce from her husband, in the event he should thereafter come to himself properly and soberly, and that she should conduct herself properly.

On the evening of the trouble Mrs. Boss had returned from the city, only in spite of the agreement, the relations at that time between her and her husband were strained. It was the contention of the defense that since her husband returned to him he had frequently threatened her with violence. She related her efforts to get into the house when her husband had refused her admission. She said that he picked up her telephone, containing her clothes, and threw it off the porch, and then, catching her by the shoulders, gave her a rough shove and two officers came up about that time, and she called upon them to arrest him.

It was then she took out the warrant against him as suggested by the defense, and said that she only took this step with great reluctance, because she hated the idea of awaiting trial, and was very sick at the time, suffering from the grip. She related how the officers had remained in the house in order to quiet her husband, who, she said, seemed to be very much intoxicated.

The defense then sought to get rid of the officers, but admitted that her husband had made efforts to call a doctor by telephone, when she complained of feeling badly.

Defendant's Explanation.

"He started to get supper," said Mrs. Boss, "and I told him I would get it, and went into the kitchen, and when my back was turned he knocked me down and kicked me and choked me. I tried to get away from him, but he held me with one hand and reached for his knife with the other. I then grabbed the glass of the gasoline stove and threw it in his face. It contained about three tablespoons of gasoline, and I had left it there that morning when cleaning a dress. I then ran away from him into the next room, and struck a match to see my way, because I felt very faint and wanted to lie down. He ran after me and caught hold of me. We then fell over the rocking chair, and I then became senseless. I didn't know that he was on fire or anything about it until the officers told me afterward."

Denies Making Threats.

Witness denied that she had made threats against her husband to her daughter or that she had told the officers that she wanted to get at him and finish him while he was lying on the bed, suffering from his burns. An effort was made by the defense to introduce testimony relative to the Ritchie woman, which was ruled out by the court, however. The defense maintained that after her return, after February 6, the Ritchie woman appeared demanding to know what she was doing there, and that her husband took sides against her. She said that the Ritchie woman asked her husband in her presence if he had told her that all of their children were illegitimate. Mrs. Boss said that her husband replied that this was a fact, and that

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Running through to Richmond without change, will leave Louisville from Seventh-street depot at 6:30 p. m. Tuesday, May 28, and will arrive Richmond at 4 p. m. next day. Accommodations should be secured on this train at once. Other trains leave Louisville 8:30 a. m. and 6:20 p. m. daily. Full information, reservation, etc., cheerfully given.

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R. E. PARSONS, District Passenger Agent.

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Many people do in early spring. Perhaps it is the reaction from the winter manner of living. But whatever the cause, it is an unpleasant condition, undraining the vitality for the enjoyment of life—the proper enjoyment of life itself. In fact, a simple, altogether unobtrusive remedy, well calculated, according to physicians, to restore the lost tone and vitality to the rundown system, is composed of 4 oz. Fluid Extract Buchu, 1 oz. Bulbo Mixture, 1 oz. Fluid Extract Gentian Compound and 16 oz. water. These ingredients are obtainable at small expense any good drug store and may be combined by the pharmacist or at home, as desired. The dose is one tablespoonful three times a day, before meals. The preparation is said to be one of the best spring tonics known to medical men.

society is instructed to warn his hearers that our interests flourish only by lawful measures, and that any attempt to commit a crime will bring reproach upon us and have the effect of causing the best people, who have heretofore been our friends, to desert us.

Thanking you in advance for the correction, which is nothing but justice, and which I am sure you will make as sincerely yours, **LUCIEN BECKNER.**

Secretary Burley Tobacco Society.

**NOT TRUST TOBACCO,**

**COURIER-JOURNAL REPORT AND**  
**LUCIEN BECKNER AGREE**

Regarding Barn Burned At Sowers Property of W. A. Shirley & Bro.

The Courier-Journal has received a communication from Lucien Beckner, of Winchester, Ky., May 14, 1937. A short time ago you published an account of the burning of a tobacco barn at Sowers, stating that it was the property of the American Tobacco Company, common known as the Trust, and inferring that the fire was the work of some kind of organized movement, possibly a strike among the tobacco growers for better prices. You were mistaken both in the statement of facts and in the inference drawn therefrom, and knowing that you desire to be fair and believing that your former statement was a gross misstatement, I write to you to correct the error. I write to ask that you publish the facts and give the tobacco growers a position and head line as you did the former notice. The tobacco was not the property of the Trust, but of W. A. Shirley & Bro., who are independent buyers, and the party setting fire to it also attempted to burn the Sowers and the public school building the same week.

There has never been a farmer's movement more law-abiding than the present Burley tobacco organization. In several counties and in several states, the growers and we propose to stand by it. Every speaker and organizer sent out by our

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Chicago	6,030	Kansas City	1,605	St. Paul	792
St. Louis	5,833	Cincinnati	1,113	Omaha	723
Boston	2,193	Dallas	1,048	Buffalo	687
Philadelphia	2,129	Cleveland	992	Indianapolis	687
San Francisco	1,795	Baltimore	819	Los Angeles	692

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# Courier-Journal.

—Published—  
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Office, cor. Fourth Ave. and Green st.

A Consolidation of  
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LOUISVILLE DAILY DEMOCRAT.  
Louisville, Ky., 1843.

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All communications should be addressed  
to the Courier-Journal and not to individ-  
uals. If writers who submit MSS. for  
publication wish to have rejected articles  
returned, they must in all cases send  
stamps. The editors are glad to examine  
MSS., but return postage must be in-  
cluded.

## TEN PAGES.

THURSDAY.....MAY 16, 1907

"Business."

Wednesday Evening, May 15—After early  
steadiness the New York market be-  
came heavy, final prices showing losses  
of 1 to 2 points in active stocks.

Money on call was steady at 2 to 2 1/2  
per cent, ruling at 2 1/2. Time loans were  
dull and steady at 3 1/2 to 4. Sterling ex-  
change was firm.

The Chicago wheat market ruled steady  
until near the close when it developed  
weakness, the July option closing 2 1/2  
lower. Corn was up 1/4. Oats were 3/4  
to 1/2 lower.

The cotton market opened firm at an  
advance of 6 to 18 points, and shortly  
afterward sold at a net advance of 18 to  
21 points, reacted and final prices were  
6 to 10 points below the opening.

The Chicago cattle market was steady  
to a shade lower, the hog market weak  
to a shade lower and the sheep market  
steady.

**Is This a Square Deal?**

It is related that Mr. Charles A.  
Keene, an independent dealer, bought  
in London an American watch for \$7.50.  
This watch is sold to our own people  
for \$10.50, and the manufacturers will  
not permit it to be sold for less.

Mr. Keene has these facts engraved  
on the watch and offered it to the  
President, but he refused to receive it.  
The evidence is, nevertheless, altogeth-  
er relevant.

It has long been known that protected  
goods are sold abroad for much less  
than our people pay for them. The  
manufacturers bitterly denied this for  
a long time, but the evidence was so  
conclusive that they finally came to  
admit it, and now they seek to justify  
it, at the same time saying that the  
difference is not much. This subject  
of watches has been before the public  
for some time, and many assertions  
about the price abroad have been de-  
nied. Mr. Keene has presented an ob-  
ject lesson, showing how our people  
pay nearly 50 per cent. more than the  
English, all on account of that "scien-  
tific tariff."

**Is this a square deal?**

**Rails, Good and Bad.**

The charge made by Vice President  
Kruttschnitt, of the Union Pacific  
road, and others that many of the  
railroad accidents which have shocked  
the public in recent months were di-  
rectly due to the poor quality of rails  
furnished by the Steel Trust is not  
new. It is true that the Steel Trust  
may not have a sound basis; if it is  
true the fact reflects upon the Steel  
Trust, of course, but it does not neces-  
sarily absolve the railroad managers  
who accepted rails of poor quality. It  
serves to divide the blame between the  
steel makers for delivering inferior  
rails and the officers of the roads for  
using them.

As to the quality of the rails, the  
question is one involving the processes  
of manufacture and technical points  
pertaining to the rolling. It is for the  
expert to determine the manufacturing  
methods productive of the rails best  
fitted to the wear and tear of railway  
traffic, but it is for the railway officers  
to accept or reject the rails sent to  
the mills. Even if the Steel Trust is  
so entrenched as to control the steel  
situation with a high hand, there are  
ways to bring it to terms. Courts can  
compel it to carry out a contract to  
deliver rails attaining a specified stand-  
ard; if it refuse to include specifica-  
tions in its contract a strong combina-  
tion of its customers might compel it  
to agree to their demands to incor-  
porate such specifications; or the State  
Legislature or the National Congress,  
having in mind the safety of the people,  
might enact laws that would have the  
desired effect.

Whatever part the steel mills play in  
the matter, however, it would seem to  
be the duty of the railway officials to  
adopt some more efficient test of the  
rails than now prevails and use some  
greater precaution against the acqui-  
sition and laying of rails of poor qual-  
ity. Even the best of rails, however,

wear out, and hence the necessity of  
a complete and minute system of in-  
spection of tracks and switches. Poor  
rails well watched may be safer than  
first-class rails under a less careful  
system of inspection. Since the me-  
chanical equipment is not the source  
of every wreck, human negligence, in-  
competence and willingness to take  
chances being frequently responsible,  
the quality of the rail is not every-  
thing. The matter seems to resolve  
itself into the fact that, after all, it  
is eternal vigilance that is the price  
of safety in the operation of railways.  
Accidents are bound to happen under  
any circumstances on railways as in  
other fields of activity, and on a vast  
system there are a multiplicity and  
complexity of details which make the  
task of the manager one of infinite dif-  
ficulty at best; but with a steadily in-  
creasing care on the part of all con-  
cerned in the operation of the railways  
there should be a growing security for  
the passengers on their trains, and a  
growing security may lead ultimately  
to the elimination of practically all  
danger. This was a consummation  
devoutly to be wished.

**Preferential Trade.**

The Imperial Conference in London  
has adjourned without having done  
anything to promote preferential trade.  
Representatives of the colonies are said  
to be grievously disappointed.

There is a strong feeling in British  
colonies to the effect that they ought  
to have preferences in their trade with  
the mother country. This feeling was  
industriously fostered by Mr. Chamber-  
lain when he was Colonial Secretary,  
because it served his purpose in his  
efforts to re-establish protection. Of  
course, a country that has free trade  
with all the world cannot give prefer-  
ences to anybody. To allow preferences,  
therefore, means that a protective tar-  
iff must be adopted as to other coun-  
tries, and taken off, in part or altogeth-  
er, on importations from the colonies.

For instance, if Great Britain  
should impose a tariff on wheat from  
foreign countries, and admit Canadian  
wheat free, it would increase the price  
of wheat in Canada. So of other com-  
modities to which a preference might  
be given in the English market. Of  
course, this would mean a reversal of  
the whole tariff system of Great Brit-  
ain, on which the Liberals won so  
brilliant a victory last year. While the  
Tory party, when it determined to re-  
vert to protection, could very well fa-  
vor this idea, it is too much to sup-  
pose that the Liberals, who came into  
power on a theory precisely opposite,  
could stultify themselves by taking the  
steps necessary to preferential trade.

But there were other obstacles to the  
success of the preferential programme,  
even if the Tories had been in power.  
If the United Kingdom consented to  
impose taxes on its people for the pur-  
pose of giving preferences to the col-  
onies, it would expect something in re-  
turn. Great Britain is a large ex-  
porter of manufactured goods, and it  
desires to extend its markets for such  
commodities. But the self-governing  
colonies, such as Canada, have manu-  
factures of their own that are clamor-  
ous for protection. They do not wish  
to be undersold by British manufactur-  
ers any more than by those of the  
United States or other countries.  
Hence, they oppose any preference to  
British goods which will hurt them.  
So long as a preference does not great-  
ly promote the sale of British manu-  
factured goods, they are not so hostile  
to it, but any preference that helps  
the mother country they regard as in-  
jurious to themselves. They are will-  
ing enough to get a preference in Great  
Britain, but they are unwilling to pay  
for it by making any concessions that  
will increase imports that compete with  
them.

It is obvious that preferential trade  
is only possible when both parties are  
willing to concede something. If any  
interest favors a preference for itself,  
without being willing to give a cor-  
responding preference, the arrangement  
is one-sided, and will not commend  
itself to the other party. So long as  
the Governments listen to these selfish  
demands, there is no hope of any per-  
manent arrangements to promote mutu-  
al trade. There are many in the  
colonies who would like to see Great  
Britain impose duties on the articles  
from foreign countries, the like of  
which they send her, and admit theirs  
free, but they are not willing to open  
their markets in a corresponding way  
to British goods. In other words, they  
desire preferences for nothing, and are  
not the friends of real reciprocity.

Sir Wilfrid Laurier, Prime Minister  
of Canada, supported the British Gov-  
ernment in its policy, doubtless because  
he understood that preference could  
not be had without surrendering the  
right to exclude British goods from  
competition with those at home. As  
a Liberal, he naturally feels kindly to-  
ward the Liberal Government of the  
mother country, but for all that he  
may be expected to favor the trade of  
his own country in all practicable ways.  
Canada has for some years given a  
preference to British goods, but with-  
out greatly promoting their sale in the  
Dominion, though the manufacturers  
have grumbled about it in some cases.  
Of course, if Great Britain granted a  
preference to Canadian goods, it would  
demand from Canada a preference that  
would be really effective, and that is  
what it is unwilling to grant.

The agitation for preferential trade  
for British colonies will doubtless con-  
tinue, but before it can be successfully  
established it will be necessary to  
change the policy both of the mother  
country and of the colonies. The lat-  
ter insist on protecting their producers  
from British competition, and while  
they do so, they cannot consistently  
ask for free trade in the British mar-  
ket. They would strenuously resist the  
idea of establishing free trade between

Great Britain and the colonies, even if  
the goods of all other countries were  
taxed. They want no reciprocity, ex-  
cept the "Jug-handled" variety—all  
on one side.

**The Mikado and "The Mikado."**

England putting "The Mikado" un-  
der the ban for fear of hurting the  
feelings of the Emperor of Japan, pre-  
sents a spectacle somewhat more comic  
than any situation in that delightful  
opera.

Kentucky recently enacted a law to  
prohibit "Uncle Tom's Cabin" from be-  
ing presented within the borders of  
the State. The enactment of the law  
seemed more like a fine quality of  
dramatic criticism than a serious pro-  
tection against a play dealing with a long-  
closed question, since "Uncle Tom" has  
long since ceased to be anything more  
than a "show" for the children. But  
if the Kentucky Legislature was more  
in earnest than in jest its action was  
not as mirth-provoking as that of a  
sensible British public that sees possible  
offense to the Emperor of Japan in a  
comic opera.

The Sultan of Jolo, who was at the  
Louisiana Purchase Exposition, declin-  
ed an invitation to meet Mr. Thomas  
Whittem, then appearing in George  
Ade's "The Sultan of Sulu," because he  
could not appreciate the humor of the  
musical comedy in which he was the  
central figure, but the Sultan of Jolo  
is a monarch of the least magnitude  
and a man's dignity is out of proportion  
to his importance when he is un-  
important. The Mikado, presumably,  
would be above being disturbed by such  
pictures of himself and his country as  
might be presented in musical bur-  
lesque. As "The Mikado" is one of the  
best of comic operas it should not be  
left to art. To assume that Japan  
would consider its revival an affront  
to the Mikado seems to be at least a  
questionable compliment to the Jap-  
anese and to their Emperor, and to  
pay such a compliment at the price  
of so good a comic opera, and at a  
time when good comic operas are so  
few and far between, seems a pity.

**A Lesson For Northern People.**  
Northern philanthropists who show  
such great concern for the negro in  
the South, and insist that he is denied  
all opportunity for advancement upon  
the lines of intellectual progress, should  
take note of the nineteenth annual  
commencement exercises of the  
Louisville National Medical College for  
colored persons, held in this city last  
night. The class numbered twelve  
graduates in medicine and three nurses.  
It is an object lesson by which the  
North would do well to profit in pro-  
moting the education of its negro el-  
ements, which is so rigidly barred by  
race antagonism from all but the most  
menial service. However, at the rate  
at which the negro population of the  
North is being increased by the immi-  
gration of negroes from the South to  
live among their supposed friends, who  
"keep the word of promise to the ear  
but break it to the hope," it will not  
be long before the problem will be-  
come so acute that our Northern  
friends will have a race issue on their  
hands quite as real as it is in the  
South, and with less practical capac-  
ity to handle it.

But it has always been thus, even  
with the most enlightened and promi-  
nent people of the North, in their lack  
of knowledge as to the true conditions  
in the South upon this and other ques-  
tions relating to its people. In the  
autumn of 1887 W. D. Kelly, of  
Pennsylvania, the veteran Congress-  
man and tariff advocate, known fami-  
liarly as "Big Iron Kelly," who believed  
that the Southern people were a thrift-  
less race, with no diversification of ag-  
riculture, looking upon the negro as in-  
capable of mental development and giv-  
ing him no opportunity to prove the  
contrary, came to Louisville on a brief  
visit. It was the first time he had ever  
crossed Mason's and Dixon's line, and he  
was about starting home when he was  
invited by a resident of Frankfort to  
visit the Capitol, take a view of the  
Bluegrass region, and learn some-  
thing of the State and its people.

At first declining, he finally assented and  
he and Mrs. Kelly spent several days  
in Frankfort, during which they were  
given drives through the most beauti-  
ful portions of Franklin and Woodford  
counties, and were hospitably received  
at some of the most attractive homes.  
While in Frankfort, he visited the  
rooms of the Geological Survey, where  
he saw the large collection of coal and  
other minerals, and was amazed to  
learn that Kentucky had over 16,000  
square miles of coal, which was in  
course of prosperous development.

But the incident which created most  
surprise was a visit which he made to  
the Public School for Colored Children,  
a handsome three-story brick building,  
with three hundred or more pupils. He  
was taken to the large hall, where all  
the children of the school soon assem-  
bled, and his surprise was increased  
when he was introduced by his host  
to the principal of the school, an in-  
telligent and most competent instruc-  
tor, who in turn introduced him to  
the scholars in a few brief and appro-  
priate words. It was a revelation to  
him to learn that all the teachers were  
of the same race, but a still greater one  
to find that the public colored schools  
were sustained by a general State tax,  
of which the colored child had the same  
pro rata benefit as the white child.

Returning home by way of Lexing-  
ton, Mr. Kelly left the State with very  
different views of it and its people from  
those with which he had entered. Not  
only was he astonished to find such  
conditions respecting the negro race,  
but the beauty of the Bluegrass re-  
gion, its diversified agriculture, the  
handsome and hospitable homes and  
the fine stock of all kinds which came

under his observation evoked expres-  
sions of admiration as being superior  
to the scenes he had recently visited in  
the best part of England. He had late-  
ly collected data for a work on the  
South and its resources, which was  
published shortly afterward, but he  
expressed his intention of writing an  
special account of Kentucky and its  
resources. He had collected no little  
material to supplement that acquired  
on his visit, but died before it was  
completed.

It would be better for the country if  
there were more personal intercourse  
such as this between the people of  
the North and South. Southern-  
ers visit the North freely and  
many send their children to North-  
ern colleges, whereby the Southern  
people have greater breadth of infor-  
mation respecting the people of the  
North than those of the latter have of  
the Southern people. It is this nar-  
rowness bred of ignorance which  
makes the self-opinionated statesman  
and publicist of the North so ridicu-  
lous when he undertakes to write  
about conditions of which he has no  
correct information and a section and  
its people of which and whom he can  
have no correct conception.

Much has been said about the greater  
number of accidents upon American  
railroads, as compared with those of  
Great Britain. The alleged compara-  
tive exemption of the latter from such  
casualties has been attributed, in large  
part, to the general use of double track  
systems and a law which prohibits  
grade crossings either for railroads or  
public highways. But a comparison of  
statistics of the two countries does not  
confirm the exemption claimed for the  
British roads. In the year 1906, accord-  
ing to recent official publication, there  
were 166 passengers killed on British  
railways, against 350 on those of the  
United States for the same period. Of  
employees 438 were killed, as compared  
with 3,807 in the United States. But  
when it is recalled that the British mile-  
age is but 22,000 miles, against 220,000  
miles for this country, it will be seen  
that the British mortality was relatively  
much larger than ours. The same  
applies as to the number of passengers  
and employees injured in the two coun-  
tries. Of these there were 68,000 in the  
United States, while in Great Britain  
the number was 29,405, which, in view  
of the relative mileage, makes a much  
better exhibit for this country than we  
have heretofore been credited with.

States that elect Governors next No-  
vember are regarded as on the skid-  
dle line for the presidential and con-  
gressional elections of next year. Among  
these are enumerated Massachusetts,  
Rhode Island, New Jersey, Maryland,  
South Carolina and Mississippi, and  
Kentucky. All these States have  
Democratic Governors except Massa-  
chusetts and New Jersey, both of  
which the Democrats have some hope  
of carrying. It is thought that they  
might carry New Jersey if they were  
troubled with internal dissensions.  
Maryland is close, but the re-  
cent victory in Baltimore gave the  
Democrats high hopes. Rhode Island  
is Republican except as to Governor,  
and the result there for that office  
cannot be forecast.

A dispatch from Dearing, Ga., says  
mobs in that section no longer make  
when engaged in informal hangings.  
After all, the safest way is to assemble  
an open-faced mob composed of promi-  
nent citizens from whose number the  
next grand jury will be selected.

About the Spanish Palace may now  
be heard something like "S-h-h-h," don't  
wake Alfonso Pio Clemente, Eduardo,  
Francisco Guillermo Carlos Enrique  
Eugenio Fernando Antonio Venenier."

After sipping up little 146-pound Kuro-  
ki, the great and only John L. Sulli-  
van doubtless concluded that the rest  
of the bunch must have done a good  
deal of the Yalu-scrapping.

The Alabamian who is being sued by  
a widow for \$10,000 as the value of a  
stolen child should be instructed by the  
court to render unto the widow that  
which is hers.

Senator Fowler says "no quarter."  
Evidently that statesman is not satis-  
fied to look like two bits and proposes  
to die raising the figure about five  
cents' worth.

Abel Ruef says he never took a cent  
of anybody's money dishonestly, but  
nobody has accused that able approp-  
riator of the almighty dollar of being  
small.

Now and again that bulldog "Petie"  
behaves as obstreperously in the White  
House yard as a campaign fund con-  
tributor or a curious revival of State  
rights.

"Mr. Roosevelt admits that his war  
was a little one," says the Houston  
Post. Just an affair up San Juan Hill  
and then down again?

The difference between the San Fran-  
cisco earthquake and the Honda wreck  
was that there was no criminal negli-  
gence in the former.

Bear in mind that it is written "a  
horse is a vain thing for safety" and  
"a little knowledge is a dangerous  
thing."

Pittsburg proposes to have the tallest  
skyscraper in the world, as well as dis-  
tance cases that smell nearer to high  
heaven.

A Jug of C. O. D., a United States  
Supreme Court decision and thou  
beside me singing in the wilderness.

If it is true that the lightning did  
kill the span of Georgia mules it prob-  
ably sneaked up in front of them.

## PUBLIC LIGHTING

May Be Done By City With-  
out Vote of People.

COUNCIL HAS RIGHT TO BUY OR  
BUILD PLANT.

MANNER OF PURCHASE ENTIRE-  
LY IN ITS DISCRETION.

MAY NOT EXCEED REVENUES.

Frankfort, Ky., May 15.—[Special.]—  
In affirming judgment of the Hopkins  
Circuit Court in a case of R. W. Over-  
all against the city of Madisonville, the  
Court of Appeals to-day declared  
that, where a city is given the power,  
either express or implied, as an incident  
to its police power, to light its streets,  
and the precise method is not pro-  
vided, it may buy or build a lighting  
plant, and it may do so without  
submitting the matter to a vote of the  
citizens, provided it shall not become  
indebted beyond the revenues and in-  
comes of the year.

The court says that in the matter of  
buying or installing such plant, the  
city is left wholly to the judgment of  
the Council as to the kind, the cost,  
when and where it shall buy, and how  
much at a time. The decision of the  
court is of much importance. It was  
announced by Chief Justice O'Rear, the  
full bench sitting and concurring.

**Madisonville Citizens Object.**

The question was presented to the  
court in a case from a fourth-class  
court upon the petition of R. W. Over-  
all, who had petitioned the Council to  
purchase a plant was opposed by  
certain citizens, who raised the ques-  
tion of the right of the Council to do  
matter without first submitting it to a  
vote of the citizens of the town. The  
court held in favor of the Council. In  
affirming that judgment, the court here  
says in part:

**Question Old One.**

"Public ownership of public utilities has  
been a political as well as a legal ques-  
tion for some time. It seems to have  
become a political question long before it  
was a legal one. We read that Heg-  
ekiah, King of Israel, was a public utility  
maintained by public authority a city  
of David (II. Kings, xx, 20). And he  
of the famous public baths of ancient  
Rome? The question of public utility  
is of modern origin. Yet the ques-  
tion of light in a city is scarcely less  
ancient. The use of water, the use of  
roads, the use of streets, and the use  
of public waterworks, and more justly  
places than that of public utility, are  
public utilities. It is found that light is not  
only a public utility, but it is a public  
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# DEBUTANTE STAKES IS WON BY ANCIENT

Second Choice, Heavily Played, Takes Feature At Churchill Downs From Good Field.

## MOLLIE MONTROSE OUTSIDE OF THE MONEY

Esterjoy Beats Timber-Toppers in Steeplechase Handicap.

## FORM PLAYERS HAVE BAD DAY.

Not One Favorite Able To Win Over Not One Favorite Able To Win Over Mud.

## THIRD RACE DECLARED OFF.

## TO-DAY'S SELECTIONS.

First Race—Hester Zorra, Mammy Dink, Orlandot.  
Second Race—Dr. Lee Hoffman, Monochord, Little George.  
Third Race—Sponge Cake, Ouardi, Albert P.  
Fourth Race—Col. Brady, Bill Herron, R. C. Hann.  
Fifth Race—Boerlian, Soprano, West.  
Sixth Race—Mortiboy, Tinker, Zick Abrams.  
Two Best Bets—Col. Brady, Boerlian.

ANCIENT, a bay filly, two years old, by Cesarion-Grandma II, belonging to Colby Karr, won the Debutante Stakes rather easily at Churchill Downs yesterday afternoon. The race was at half a mile, for two-year-old fillies, and it had an added value of \$1,000.

When the feature race was decided the track at Churchill Downs was a quagmire, heavy rain having fallen during most of the previous night. In spite of the bad condition of the course, however, eight high-class fillies faced the barrier. Grande Dame was scratched, but at the last moment she was allowed to start. The favorite, taking second place, while Black Mary, a long shot, ran third.

The performance of Mollie Montrose was the subject of a good deal of comment, because during the recent winter meeting at New Orleans she was the reigning sensation, and by many was supposed to be considered to be one of the aristocrat fillies in the country of her age. The filly, however, probably did not like the sloppy going, but Ancient, the winner, ran through it as if she liked it, negotiating the four furlongs in 49.3-5, which was very fast time, considering the condition of the course.

On account of the bad condition of the track, there were so many scratches in the third race, a purse affair, at seven furlongs, that the event was declared off, and another race, called the seventh race, was substituted. This seventh race was a selling affair, at six furlongs, and was won by All Ablaze, a long shot. As a matter of fact, it was a field day for long shots, because not one favorite was returned a winner.

Esterjoy won the steeplechase handicap, over the long course, with Lights Out second and Creolin third. Burr Ferguson, a Southern gentleman rider, had the mount on Horizontal. He fell off, but was not seriously injured.

Sponge Cake Takes Opener.

The first race was replete with good things, a heavy play being directed against at least half of the starters. Dr. Lee Hoffman went to the post favorite at 9 to 2, but the gelding was unable to negotiate the heavy going and trailed his head all the way. Sponge Cake, which was the medium of lively speculation, was returned the winner. He was not only cantering when he crossed the wire two lengths in front of Quagga.

Creolin was out of the race, but when he got called for interference, he held on to his company and secured the place by a half a length from Drulien.

In the second race the odds-on favorite, Devout, into camp in easy fashion. J. Lee had the leg up on the filly, and he was never headed, and won easily by three lengths. He was followed by the leader and dropped back into third position at the top of the stretch where he was caught by the filly. He received a lot of support in the speculation, but the going was evidently too heavy for him, as he never was in contention at any stage of the race.

Ancient Takes Debutante Stakes.

The Debutante Stakes with a net value of \$1,750 to the winner, for two-year-old fillies, was next on the card, the third race having been declared off on account of the numerous scratches. The original card called for eight runners, of which Grande Dame was scratched, but at the last moment she was allowed to start. The favorite, taking second place, while Black Mary, a long shot, ran third.

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# LOUISVILLE FORM CHART.

LOUISVILLE, Ky., May 15.—Ninth day Louisville New Jockey Club Spring Meeting. Weather cloudy; track sloppy.

Presiding Judge, Charles F. Price; Associate Judge, Charles F. Grainger; Associate Judge, William F. Shelley; Secretary and Handicapper, Lyman H. Davis; Starter, Jacob Holtman.

2015—FIRST RACE—One mile; purse \$400; for three-year-olds and upward; selling. Start good. Non-cantering. Place selling. Winner, A. B. Campbell, by Galore or Pillerene, trained by C. G. Goodrich. Value to winner, \$300. Fractional time: 1:28, 1:51, 2:13, 2:35, 2:57, 3:19, 3:41, 4:03, 4:25, 4:47, 5:09, 5:31, 5:53, 6:15, 6:37, 6:59, 7:21, 7:43, 8:05, 8:27, 8:49, 9:11, 9:33, 9:55, 10:17, 10:39, 11:01, 11:23, 11:45, 12:07, 12:29, 12:51, 13:13, 13:35, 13:57, 14:19, 14:41, 15:03, 15:25, 15:47, 16:09, 16:31, 16:53, 17:15, 17:37, 17:59, 18:21, 18:43, 19:05, 19:27, 19:49, 20:11, 20:33, 20:55, 21:17, 21:39, 22:01, 22:23, 22:45, 23:07, 23:29, 23:51, 24:13, 24:35, 24:57, 25:19, 25:41, 26:03, 26:25, 26:47, 27:09, 27:31, 27:53, 28:15, 28:37, 28:59, 29:21, 29:43, 30:05, 30:27, 30:49, 31:11, 31:33, 31:55, 32:17, 32:39, 33:01, 33:23, 33:45, 34:07, 34:29, 34:51, 35:13, 35:35, 35:57, 36:19, 36:41, 37:03, 37:25, 37:47, 38:09, 38:31, 38:53, 39:15, 39:37, 39:59, 40:21, 40:43, 41:05, 41:27, 41:49, 42:11, 42:33, 42:55, 43:17, 43:39, 44:01, 44:23, 44:45, 45:07, 45:29, 45:51, 46:13, 46:35, 46:57, 47:19, 47:41, 48:03, 48:25, 48:47, 49:09, 49:31, 49:53, 50:15, 50:37, 50:59, 51:21, 51:43, 52:05, 52:27, 52:49, 53:11, 53:33, 53:55, 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**Need a Pair of Pants**

**\$3.50 Pants \$2.50**

**\$4 and \$4.50 Pants \$3.00**

Just bought a big lot of worsteds at prices which make 'em mighty good bargains. Two lots, as above, come get in on the "good thing."

**Elbee \$5, \$6, \$3.50**

**\$7.50 Pants \$3.50**

Worsteds, chevots, velours, etc., made up from cloth ends left from Elbee suits. All kinds of patterns. Only a pair or two of a kind.

**LEVY'S Third & Market.**

Members Retail Merchants' Ass'n. Railroad fares refunded this week.

**Courier-Journal.**

THURSDAY.....MAY 16, 1907

**BOARD OF TRADE FOR STREET SPRINKLING**

**MAYOR ASKED TO SEE THAT WORK IS DONE.**

**PAYMENT OF EMPLOYEES BY CHECKS SUGGESTED.**

**MUCH SAID BOTH PRO AND CON**

The Board of Directors of the Board of Trade adopted a resolution at their regular meeting yesterday at noon that it was the sense of the Board of Trade that the streets of the city should be sprinkled under the direction of the city authorities, and that the cost of the sprinkling should be paid by the city. The resolution also requested that Mayor Paul Barth take such steps in the interest of comfort, health and economy as were necessary to have the sprinkling done. The directors also asked that a levy be made for the purpose of street sprinkling the Mayor use what funds are available for the purpose.

Mayor Barth has already taken up the matter of street sprinkling and has asked the Louisville Street Railway Company to furnish sprinkling cars, which will be operated over all the street-car lines in the city. He has agreed that the city shall furnish the water necessary for street sprinkling free of charge. No reply until yet been received in regard to the proposition.

One of the important matters considered by the Board of Trade yesterday was the communication received from Brewster Althoefer, chairman, Althoefer Savings Bank, suggesting that manufacturers and other employers of many laborers make their payroll checks by check instead of by cash. Mr. Althoefer explained in his letter to the Board of Trade that he believed this would mean that the available cash on hand in the banks would be materially increased and would practically result in putting \$2,000,000 more a year in circulation in Louisville. Some bankers, however, take the view that the plan would make the corner grocer the banker and would result in extra work and expense, but also would not produce the results claimed for it.

They assert that the checks would in time reach the banks anyhow, and that any statement of cash on hand would be false in that cash against which there was a draft would be counted. The communication was referred to the Committee on Public Affairs for examination and report. The members of the committee are F. C. Nunn, chairman, Althoefer, L. Terry, A. Y. Ford, F. N. Hartwell, Swager, Shively, W. H. Hite. As several members of the committee are large employers it is their belief that the plan will be in a great measure conclusive. Of course the Board of Trade can only recommend that the check system be adopted and the question is still up to the employers.

Marion E. Taylor, chairman of the Excursion and Entertainment Committee, submitted a report of the recent "House" excursion to Indiana. The report showed that the excursion had been most successful and profitable.

**SAME MAGISTRATE**

**WHO MARRIED WALTER KIRCHER MEETS HIM AGAIN.**

Kaiser Tried On Charge of Grand Larceny Under Different Name Than When Benedict.

Walter Kircher was tried before Magistrate O'Connor yesterday morning on a charge of grand larceny, the original charge against him being grand larceny, preferred by Charles Ruesch, of 1519 Shelby street, who charged that Kircher had robbed him of \$750 as he was boarding a car at Pointe Park Ferry Sunday night. Kircher was fined \$50 and placed under bond of \$500 for three months.

After the case had been disposed of it was learned that Kircher was Walter Kaiser, who married Hattie Hart, daughter of Mr. and Mrs. Andrew Hart, of 1416 Erie street, some weeks ago in order to escape a serious charge. The marriage ceremony was performed by Magistrate O'Connor before the judge and jury, who were to have heard Kircher's case. Kircher's case was postponed yesterday did not recognize Kircher as Kaiser, and it was shown to the magistrate's satisfaction that it was the prisoner's first time under arrest.

After leaving the court room Kircher said that he had not lived with his wife since their marriage. Immediately after the marriage his girl-wife was taken from him by her mother and Kaiser was told to go.

**ROBERT E. HUGHES AT HOME FIGHTING TONSILLITIS.**

R. E. Hughes, secretary of the Commercial Club, is confined at his home in Kennedy Court with a severe attack of tonsillitis. Mr. Hughes has been suffering for several days and against the advice of his physician has attended to his duties, which have been especially heavy on account of the annual meeting of the club. On the advice of his physician he remained at home yesterday and it is hoped by his friends that he will soon be able to be out again.

**CONTINUED AGAIN**

**Case of John B. Ely Set For June 17.**

**POSTPONEMENT ON ACCOUNT OF ANNIE ELY'S ILLNESS.**

**GIRL STAR WITNESS FOR COMMONWEALTH IN TRIAL.**

**REPORT OF THE GRAND JURY.**

By agreement of counsel in the case of John B. Ely, charged with the murder of Virginia Ely, an order was entered in the Criminal Court yesterday postponing the trial for June 17. At a previous hearing it had been set for May 21, but when that order was made Annie Ely, the Commonwealth's star witness and daughter of the accused, had not yet contracted typhoid fever from which she is now recovering. The physician attending her says that she will be well enough to leave the City Hospital in about a week, though would not be strong enough at that time to give her testimony before the court. It is believed she will be sufficiently recovered to appear June 17.

**Gertrude Ross' Will.**

The will of Gertrude Ross tendered for probate yesterday and dated May 13, 1907, provides that her estate, including a house at 1222 Garvin Place, shall go to her husband, Alphonso D. Ross, who is also named executor without bond. At his death the house goes to the children of Augustus J. Ross, now dead.

**Report of Grand Jury.**

The grand jury returned the following indictments yesterday and adjourned until this morning:

Robbery—George Wilson alias Abbott. Malicious Striking—Harrison Truitt. Malicious Cutting—Louis Hunter. Charles Kelly charged with grand larceny, was dismissed.

**Court Paragraphs.**

—H. C. Ruple sued D. R. Carpenter on a promissory note for \$25.74.

—William D. Mooklar sued the city and the Kentucky Market Company for \$10,000, alleging personal injury.

—The executrix of Louis P. Bornwasser sued William Bryant and others for \$2,000 alleged due on a mortgage.

—Morah D. Johnson sued Patrolman Michael Cross and his bondsmen for \$2,000 for alleged wrongful assault with his patrolman's club.

—Katie O'Brien sued William M. O'Brien for divorce charging drunkenness and cruelty. They were married September 17, 1888.

—Annie Johnson sued James H. Bell to cancel a deed to a piece of property on Harney street, near Fifteenth, which she says she signed without consideration.

—A jury in Judge O'Doherty's court returned a verdict for the defendant in the case of Jennie A. Markwell against the Louisville Railway Company. Plaintiff wanted \$12,000, alleging assault by a passenger.

**Court of Appeals.**

Frankfort, Ky., May 15.—Present, whole court sitting.

White vs. Commonwealth, Boyd; reversed.

Stites vs. Norton, Jefferson; affirmed.

Martin vs. Commonwealth, Nelson; affirmed.

Central Coal and Iron Company vs. Thompson, Ohio; affirmed.

Oliver vs. Roach, Ballard; affirmed.

Wellburn vs. Edwards, Judge, Logan; affirmed.

Landrum vs. Clark, Wolfe; affirmed.

Roberts, Wicks & Co. vs. Lee, Mason; affirmed.

Over vs. City of Madisonville, Hopkins; affirmed.

Vickers, Mayor, vs. Borg, Hopkins; reversed.

Lewis, trustee, vs. L. and N. Jefferson. Killen vs. Citizens Life Insurance Company, Fogarty vs. Smith, Elkhorn Land and Improvement Company vs. Childers, Elkhorn American Life Insurance Company, appellant petition for rehearing overruled.

Neal, administrator, vs. Ashland Steel Company, Boyd; appellee's petition for rehearing overruled.

Cecil's trustee vs. Robinson, Boyle; agreement filed; appellant given until June 15 to file brief.

Thiele vs. Citizens' National Bank, Johnson, Field Grocery Co. vs. Connelly, etc., Johnson; appellants given thirty days further time to file brief.

Salyer vs. Johnson; appellant given thirty days further time to file brief.

Whitaker vs. Preston, Johnson; additional record ordered filed; case continued.

Huber vs. Commonwealth, Ehrlich vs. same, Cuyler vs. same, appellant brief and said cases ordered heard together, on motion of the appellee.

Howard, etc. vs. Starnhill, etc., Whitley; case ordered docketed for the present term, advanced and submitted with ten days leave to parties to file brief.

Turner vs. Fraisher, Madison; appeal by appellant; lower court dismissed with damages.

Baker vs. Johnson, Madison; appeal by appellant; lower court dismissed; surrenderees discharged.

Perkins vs. Perkins, etc.; additional record tendered by appellee; record filed.

L. and N. vs. Taylor, Rockcastle; motion by appellant to file transcript for the purpose of correction; motion submitted.

Staten, etc. vs. Byron, etc., Bracken; appellant suggested death of H. W. Stateman, died intestate and appointing administrator; case revived in name of Lou St. H. administrator.

Wares vs. Rager, Auditor, Franklin; appellee filed supplemental brief.

Commonwealth of Kentucky vs. American Safe Company, appellee brief for rehearing together with affidavit of Hunter Woods.

Fidelity and Deposit Company vs. Tinsley, L. and N. appellant given five days to file brief.

Cases 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**Court of Appeals Decisions.**

A. R. Campbell, vs. City of Vanceburg. Appeal from Circuit Court. Filed April 16, 1907. (Not to be reported.) Opinion of the court by Carroll, Commissioner.

First—Municipalities—Surface Water—Damages to Private Property—Inaction—Liability.—A city is not liable in an action for damages by a lot owner by the overflow of surface water thereon when it has not interfered in any way with the natural condition of property annexed thereto, and is not liable for its failure to make new improvements or for its failure to reconstruct.

Second—Same—Making Improvements—Reconstruction—Duty.—Assumed when a city undertakes to make improvements or to reconstruct old ones it then assumes the duty of completing or keeping them in such condition that the property of no citizen will be injured thereby.

Third—Same—Failure to Adopt Plans—Extraordinary Rain.—A city is not liable for damages for its failure to adopt or execute a plan to drain the surface water of a city from its natural flow or for overflows occurring independent of any act of the city, or for damages caused by extraordinary rains.

Fourth—Making Improvements—Reasonable Care.—Where damages is done

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